

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JUSTIN RICHE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:23-cv-00057-TBM-RPM

SHERIFF CHARLIE SIMS, et al.

DEFENDANTS

ORDER

Pro se Plaintiff Justin Riche is an inmate currently housed at the Forrest County Adult Detention Center in Hattiesburg, Mississippi, and he is proceeding *in forma pauperis* [19]. He brought this Complaint [1] under 42 U.S.C. § 1983 against Sheriff Charlie Sims; Blaine Stensell; Forrest County, Mississippi; Captain Evan Henderson; Kelby Lewis; and Major Terrell Carson. After having reviewed and liberally construed Plaintiff's pleadings, it is hereby,

ORDERED:

1. That the Clerk of Court is directed to issue a *Notice of Lawsuit and Request to Waive Service of a Summons* for Defendants Sheriff Charlie Sims; Blaine Stensell; Forrest County, Mississippi; Captain Evan Henderson; Kelby Lewis; and Major Terrell Carson. The Clerk is directed to attach a copy of the Complaint [1], Response [23], Response [25], and Order [28] of Partial Dismissal; the accompanying *Notices of Lawsuit and Requests to Waive Service of a Summons*; and the accompanying *Waiver* form by first-class mail to **Attorney William R. Allen; ALLEN, ALLEN, BREELAND & ALLEN, PLLC; P.O Box 751; Brookhaven, MS 39602-0751** for Defendants Sheriff Sims, Stensell, Forrest County, and Henderson; and to **Defendants Kelby Lewis and Major Terrell Carson; FORREST COUNTY SHERIFF'S OFFICE; 55 Arena Drive; Hattiesburg, MS 39401**. Defendants are directed to file a signed *Waiver* form or a Response within 30 days.

If counsel receiving this Order is unable to execute a *Waiver* for Defendant because Defendant is not employed by the entity that counsel represents or because, after due diligence, counsel is unable to identify Defendant from the *Notice* and Complaint, a Response should be filed. The Response from counsel should contain the name of Defendant and, if previously employed by the entity counsel represents, the Response should contain Defendant's last-known address. If the Response contains a last-known address, it is directed to be filed under seal.

2. That the Defendants shall file an answer or other responsive pleading in this cause in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

3. That as provided for in the Federal Rules of Civil Procedure, discovery is stayed until further order of this Court.

4. That subpoenas shall not be issued except by order of the Court. The United States District Court Clerk shall not issue subpoenas upon request of the *pro se* litigant but shall instead forward the request to the Magistrate Judge assigned to this cause for review. Plaintiff shall submit all requests for the issuance of subpoenas to the Magistrate Judge's office for review.

This Order allowing process to issue against the above-named Defendants does not reflect any opinion of this Court that the claims contained in the Complaint will or will not be determined to be meritorious. Failure to advise this Court of a change of address or failure to comply with any Order of this Court will be deemed a purposeful delay and contumacious act by Plaintiff and may result in the dismissal of this case.

SO ORDERED, this 2nd day of May, 2024.

/s/ Robert P. Myers, Jr.

ROBERT P. MYERS, JR.
UNITED STATES MAGISTRATE JUDGE